

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SAMUEL DAVIS,

Plaintiff,

07 Civ. 6592 (JGK)

- against -

ORDER

CORRECTION OFFICER RHOOMES, et al.,

Defendant(s).

JOHN G. KOELTL, District Judge:

The Court has received the attached letter from the plaintiff. The defendants should address the specific charges made by the plaintiff in this letter in their next response which is scheduled to be submitted by July 11, 2008.

SO ORDERED.

Dated: New York, New York  
July 2, 2008

A handwritten signature in black ink, appearing to read "John G. Koeltl".

John G. Koeltl  
United States District Judge

Honorable John G. Koeltl,  
United States District Court Judge,  
United States District Court,  
Southern District of New York,  
United States Courthouse  
500 Pearl Street, Room 1030  
New York, New York 10007

Re: Davis v. Riosomes,  
et al.,  
07-CV-6592 (JGK) (THK)

Dear Judge Koeltl:

I am writing to you regarding our phone conversation regarding my Application for Preliminary Injunction and Restraining Order on the morning of June 23, 2008, and the matter regarding my transfer and the breaking of my typewriters.

First I want to say, do you recall a click and a brief interruption of our phone conversation. If so, I later learn that this occur because Correction Officers and other Prison Officials at the building where the phone conversation taking place were listing to our conversation's on the morning of June 23rd, which this conduct is a clear violation of my constitutional rights to privilege communication. I think this was due in part to the failure of Ms. Hartofilis to inform Prison Officials at Franklin when arranging for this phone call that it was to be a privilege call meaning "non-monitoring."

Secondly, I was not random transferred to Franklin Correctional Facility by Classification and Movement of the Department of Correctional Services, but, rather, I was deliberately sent to Franklin to chill and hamper me in my litigations and as punishment therefor because of the restriction, as a Medium "A" Facility, in Inmates access and movement within the facility. Case in point;

Depend on the area of the facility you are housed an inmate's can only go to the Law Library, proving you are on a call-out, on evens or odds days of the week. The Law Library is open weekdays a 1:00pm and close at 2:30pm in which an inmate might get an hour and half during this period, because inmates are not release until it is announced to release programs and call-outs which often occur around 1:15pm. The Law Library open again weekdays at 4:00pm nad close at 7:00pm, so if an inmate don't go chow he might get three (3) hours in the Law Library, but if they goes to chow they will mostikely end-up getting approximately two (2) hours in the Law Library during this period. The Law Library open on weekends and holidays at 1:00pm and close at 2:30pm, and the Law Library re-open at 5:00pm and close at 6:30pm. *if you are*

assigned work program is evening and late evening your access to the Law Library regardless of Court deadlines is limited to weekdays 1:00pm to 2:30pm period, which does not give one any quality time in the Law Library.

Thirdly, as I stated in my moving papers and in our phone conversation that ~~NY~~ typewriters are being deliberately broken which have hamper my ability to timely respond to both Federal and State Courts litigations in a timely fashion, because in order to prepare and type-up legal papers I must utilized the Law Library typewriters during the limited time as indicated above whereas if my typewriter was not broken I could type-up these papers in my housing area. I filed an Institution Claim at Franklin Correctional Facility regarding my broken typewriter on May 9, 2008, but as of this date I have not received a decision thereon despite my recently inquiry (see copy attached).

I also stated that between my transfer from Mid-Orange Correctional on October 16, 2007 and receiving some of my personal property on December 17, 2007 in which I discover my typewriter had been broken. After arriving at Woodbourne Correctional Facility on December 21, 2007, and receiving my personal property I discover a lot of my other personal property was missing. On December 28, 2007, I filed an Institution Claim for, the broken typewriter, destroyed or loss personal property that I never received after being transferred totaling more than \$1,000.00, and I received a box from Mid-Orange Correctional Facility containing some of my personal property on February 22, 2008. After going through this box I discover that my Headphone set and Fan had been broken as well and alot of my personal property missing, so I filed an amended Institution Claim totaling approximately \$600.00 on February 28, 2008 (see copy attached), and Prison Officials at Woodbourne Correctional Facility offer me, as an insult, \$20.00 as full settlement of this claim on April 14, 2008 in which was affirmed by the Superintendent on appeal on April 22, 2008 (see copy attached), which I rejected this offer as being insufficient to cover the damages to and the losses of my personal property and I filed a claim in the New York State Court of Claims in May 2008, Claim No. 115281.

After Prison Officials at Woodbourne Correctional Facility decision as noted above I ordered two (2) typewriter printwheels to replace the one's that I never received following my transfer from Mid-Orange Correctional Facility, presumably destroyed or stolen (see copy attached), which after my transfer to Franklin Correctional Facility on May 5, 2008 I wrote to Smith Corona advising them of my new addres and requested that this order be shipped to me there (see copy attached). On the afternoon of May 31, 2008, I was call to Franklin Package Room to pick-up these Printwheels but that I had to bring two (2) printwheels in exchange in order for me to received them, which despite advising the Package Room Officers that I don't have any printwheels to turn-in because these printwheels was ordered to replace the one's I never received following my transfer from Mid-Orange Correctional Facility and that matter is presently being litigated in the New York State Court of Claims. They refused to give me these printwheels stating that I could send them back, sent them home or destroy them because unless I trun-in tw0 printwheels I cannot received the new ones.

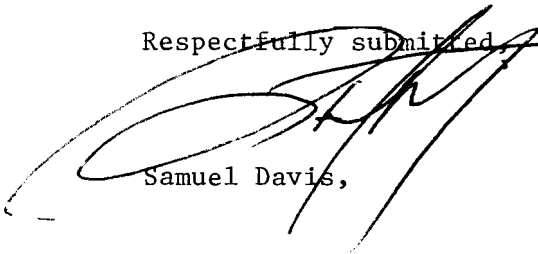
On May 31, 2008, I filed a grievance. On June 3, 2008, I wrote to Deputy Superintendent for Security Brown (see copy attached). On JUne 3, 2008, I also wrote to Captain Felix. On June 10, 2008, I wrote to Superintendent LaClair and I wrote to Sergeant Wilson on June 12, 2008 regarding this matter (see copies attached), but as of this date neither one of these individuals, as of todate, have responeded. On

June 9, 2008, I was call to Inmate Grievance Resolution Committee (IGRC) for a <sup>hearing</sup> on my grievance, which was adjourned pending on me receiving a response from Deputy Brown which never occurred. On June 16, 2008, I was again call to Inmate Grievance Resolution Committee (IGRC) to resumed the hearing, which I received a respond on June 17th stating that a split-decision among the members in this <sup>matter</sup> and was sent to the Superintendent (see copy attached). Again, as of this date, I have not received a respond.

The below mentioned is further evident that my transfer to Franklin Correctional Facility was retaliatory and as punishment for my litigations because this transfer have affected my ability to received follow-ups visits with the Urologist who performed Biopsy of my Prostate who are familiar with the problems relating thereto and with the Orthopedist who performed my Knee Replacement Operation because these Doctors are all Downstate, which this claim is supported by the Doctors at Franklin Correctional Facility Clinic who have stated to me that this transfer have mess-me-up because all of the Doctors who is familiar with my medical problems is located Downstate's and I am in a different Hub now.

Thus, it is clear that the facts as descrirbed above clearly demonstrates, as the conversations I had with the Doctors at Franklin Correctional Facility Clinic believes, that my transfer was in retaliation for my complaints, i. e. litigations, and as a punishment therefor.

Respectfully submitted,

  
Samuel Davis,

cc: Maria Barous Hartofilis,  
Assistant Attorney General  
(Attorney for Defendants)